



**THE ATTORNEY GENERAL
OF TEXAS**

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January 25, 1972

Hon. Carl F. Hereford, Chairman
Texas State Board of Examiners
of Psychologists
P. O. Box 5429
Austin, Texas 78763

Opinion No. M- 1050

Re: Construction of Section
11(a) of Article 4512(c),
Vernon's Civil Statutes
(the Psychologists'
Certification and Licens-
ing Act), as to when a
person "receives" a degree.

Dear Dr. Hereford:

Your recent letter requesting the opinion of this
office concerning the referenced matter states, in part, as
follows:

"I would like an interpretation of Section
11(a) of the Psychologists' Certification and
Licensing Act. The Board's problem concerns the
word 'received' in determining when an applicant
is eligible for examination. It has been the
Board's practice to use the date the degree was
actually conferred as indicated on the University
transcript. . ."

Section 11(a) of Article 4512c, Vernon's Civil Statutes,
(the Psychologists' Certification and Licensing Act) provides as
follows:

"An applicant is qualified to take the
examination for certification as a psychologist:

"(a) if he has received the doctoral degree
based upon a program of studies whose content
was primarily psychological from an accredited
educational institution or its substantial equiv-
alent in both subject matter and extent of train-
ing, and if he has had no less than two years of
satisfactory supervised experience in rendering
psychological services, one of which is subsequent
to the granting of the doctoral degree. . . ."
(Emphasis added.)

Attached to your letter is an individual's transcript which indicates that he has completed all requirements for a Ph.D. degree from the University of Texas Southwestern Medical School, but that the degree will not be conferred until June, 1972.

In essence, your question is whether such individual is qualified to take the examination for certification as a psychologist upon completing all the requirements for his degree or whether he must wait until such degree has actually been conferred before being eligible to take the examination.

We note that your letter states that it has been your Board's practice, in giving examinations pursuant to Section 11(a), not to allow a person to take the examination for certification as psychologist until the requisite degree has actually been conferred on the applicant.

Such construction of Section 11(a) by your Board is entitled to great weight, as

"The courts will ordinarily adopt and uphold a construction placed on a statute by an executive officer or department charged with its administration, if the statute is ambiguous or uncertain, and if the construction so given it is reasonable. In other words, the judiciary will adhere to an executive or departmental construction of an ambiguous statute unless it is clearly erroneous or unsound, or unless it will result in serious hardship or injustice, though the court might otherwise have been inclined to place a different construction on the act. 53 Tex.Jur.2d 259-60, Statutes, Sec. 177."

See also, Armco Steel Corp. v. Texas Employment Com'n., 386 S.W.2d 894 (Tex.Civ.App. 1965, error ref. n.r.e.); United States v. 525 Company, 342 F.2d 759 (5th Cir. 1965); Attorney General's Opinion No. M-1029 (1971).

We are of the opinion that the word "received", as used in Section 11(a) must be construed and defined as that word is commonly understood, that is, "to take possession or delivery of." See Webster's Third New International Dictionary (Rev.Ed. 1966) 1894.

It is also apposite to note that the latter portion of Section 11(a), quoted supra, also refers to the "granting" of the doctoral degree. Construing this portion of Section 11(a) with that portion of the Section using the word "received", we believe the Legislature clearly manifested its intent that an applicant for the examination for certification as a psychologist must have actually received his doctoral degree before being legally allowed to take said examination, notwithstanding the fact that he has completed all the academic requirements for such degree but has not actually received same.

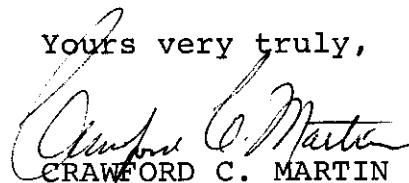
In coming to the foregoing conclusion, we are also mindful of the fact that such conclusion is in consonance with the practice heretofore followed by your Board.

In view of the foregoing, you are advised that an applicant for the examination set forth in Section 11(a) must have actually received, and had conferred upon him, the doctoral degree adverted to in that Section before being eligible to take such examination.

S U M M A R Y

Pursuant to Section 11(a) of Article 4512c, Vernon's Civil Statutes (the Psychologists' Certification and Licensing Act), an applicant for the examination for certification as a psychologist must have actually received, and had conferred upon him, the doctoral degree required by that Section, notwithstanding the fact that he has completed all the academic requirements for such degree but has not, at the time of his application, officially had same conferred upon him.

Yours very truly,



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APPROVED:
OPINION COMMITTEE

Hon. Carl F. Hereford, page 4 (M-1050)

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